

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., *et al.*,

Plaintiffs,

-against-

07 Civ. 6304 (KMK) (GAY)

VILLAGE OF POMONA, NY; *et al.*,

Defendants.

DECLARATION OF JACOB HERSHKOWITZ

Jacob Hershkowitz declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a Plaintiff in this action. I am 28 years old. I live in Monsey, New York along with my wife of eight years and our 5 children, ages 2 to years old.
2. I make this Declaration in support of my goal to attend the planned Rabbinical College of Tartikov's Torah Community in Pomona so I can have the religious experience of living there with my family and accomplish my religious desire to become a full-time rabbinical judge trained in the Code of Jewish Law, allowing me to interact with fellow rabbinical students and learn from trained rabbis.
3. I am a member of the Orthodox and Hasidic Community. According to our religious beliefs, we have strict dress codes which emphasizes modest dress.
4. I speak Yiddish.
5. I have read Professor Resnicoff's Declaration and I agree with it as it represents my religious beliefs and practices.
6. I believe as written in Professor Resnicoff's Declaration, that Jewish law (or "Halakhah") is a religiously based system, and the religious beliefs of its adherents require them to obey its tenets.
7. I believe as written in Professor Resnicoff's Declaration that the principal body of Jewish law (known as Biblical law) was communicated in non-written form from G-d to the Jewish people through Moses. This communication had two parts. One part was

intended to be, and was, committed to writing. This part is known as the "Written Torah" or the "Five Books of Moses."

8. I believe as written in Professor Resnicoff's Declaration that the second part of the communication from G-d was intended not to be written, but, instead, to be taught orally directly from teacher to student. This portion is known as the "Oral Torah." Together, the Written Torah and Oral Torah constitute the Torah.
9. I believe as written in Professor Resnicoff's Declaration that Orthodox Jews fundamentally agree that the Torah embodies the word and will of God and that it is authoritative. Therefore, one is religiously and morally obligated to follow its rules.
10. I believe as written in Professor Resnicoff's Declaration that because of the persecution of Jews and the imposition of capital punishment upon those who taught Jewish law, early Jewish law authorities feared that the Torah, or parts of it, might be forgotten. Consequently, they decided that it was necessary - and permitted by Jewish law - to commit the Oral Torah to writing.
11. I believe as written in Professor Resnicoff's Declaration that the first major publication that contained parts of both the Written Torah and the Oral Torah was the Mishnah, which was redacted around the year 180. It is divided into 63 subject areas.
12. I believe as written in Professor Resnicoff's Declaration that the Babylonian Talmud (the "Talmud") is the central literary source from which much of Jewish law/Halakhah is derived. The Talmud addresses 37 of the 63 subject areas of the Mishnah. As to each of these 37 subject areas, the Talmud consists of two parts. The first is the relevant Mishnah, and the second is known as the "Gemara." The Gemara is the legal analysis and elaboration of the teaching of the Mishnah, along with a discussion of additional legal issues that arise in connection with the Mishnah.
13. I believe as written in Professor Resnicoff's Declaration that there are many post-Talmudic written Jewish law treatises that are regarded as especially authoritative. One, known as the Mishneh Torah, was written by Maimonides. This treatise comprehensively addressed all areas of Jewish law and was meticulously organized by topics.
14. I believe as written in Professor Resnicoff's Declaration that the Jewish Law code known as the Arba' ah Turim ("Tur"), written by Yaakov ben Asher (Rabbi Jacob) (1270-1340), was the first to organize Jewish Law into a four-part structure/division. It is limited to those issues of Jewish Law that are applicable in the current era, i.e., in the period after the destruction of the holy Temple in Jerusalem. The foremost commentary on the Arba' ah Turim is known as the "Beit Yosef."

15. I believe as written in Professor Resnicoff's Declaration that the Shulchan Aruch (literally meaning, "the Set Table", but known by most Jewish communities as the "Code of Jewish Law") was authored by Joseph Karo and is based on the four-part structure of the Arba' ah Turim. Rabbi Karo lived in the Middle East and wrote the Shulchan Aruch according to the perspectives of Middle Eastern (Sephardic) Jewish authorities. Soon after publication of the Shulchan Aruch, Rabbi Moses Isserles ("Rema"), who lived among Europe's Ashkenazic Jews, added his glosses to the Shulchan Aruch. These glosses are known as the "mappah" or tablecloth that enhances Rabbi Karo's Set Table.
16. I believe as written in Professor Resnicoff's Declaration that Jewish men are religiously obligated to marry at a young age and have large families.
17. I believe as written in Professor Resnicoff's Declaration that the religious basis for having a large family is rooted in Genesis: G-d told Adam and Eve, representing all humankind to "be fruitful and multiply." Genesis 1:28; and again after the flood that consumed almost all of humankind, G-d repeated this command to Noah and his sons on the Ark, Genesis 9: 1, 7, and to Jacob when he entered the land of Israel, G-d said to him: "I am the Almighty G-d; be fruitful and multiply." Genesis 35:11.
18. I believe that the Talmud also emphasizes this command by citing that when a Jewish male dies and appears before the Heavenly Tribunal to be judged, one of the six questions he is asked is "Were you busy with being fruitful and multiplying."
19. I believe as written in Professor Resnicoff's Declaration that rabbinic law continues this biblical commandment: "Although a man has fulfilled the mitzvah to be fruitful and multiply--he is commanded by the rabbis not to desist from procreation while he yet has strength, for whoever adds even one Jewish soul is considered as having created an entire world." See Moses Maimonides (1135-1204), MISHNAH TORAH, *Hilkot Ishut* 15:16.
20. I believe as written in Professor Resnicoff's Declaration that in order to meet this religious obligation, Jewish law imposes conjugal duties upon a husband and wife while forbidding them to engage in family planning and forbidding them from using birth control.
21. I believe as written in Professor Resnicoff's Declaration that Jewish families meet this religious obligation in part because the Talmud teaches that "this will hasten the arrival of the Messiah because there are a certain, but unknown number of souls stored in heaven, and the Messiah will only come after all of those souls have been born."

22. I believe as written in Professor Resnicoff's Declaration that Judaism teaches that a person is significantly influenced by his environment and directs him to dwell among a community that is directed to the Torah.
23. I believe as written in Professor Resnicoff's Declaration that every Jewish male is biblically commanded to engage in rabbinic study, study of Torah.
24. I believe as written in Professor Resnicoff's Declaration that the Torah commands Jewish males to learn the Torah day and night, or to "speak of them [the Torah's precepts] while you sit in your home, while you walk on the way, when you retire and when you arise." Deuteronomy 6:5-9.
25. I believe as written in Professor Resnicoff's Declaration that this biblical command has been reinforced by the rabbis by declaring that "the study of the Torah is Judaism's highest ideal..." and not only a "sacramental act" but the greatest of all *mizvots* [commandments].
26. I believe as written in Professor Resnicoff's Declaration that because the study of the Torah should be constant, any time one unjustifiably detracts from Torah study, he commits the sin of bitul Torah (waste of the Torah).
27. I believe, as written in Professor Resnicoff's Declaration a matter of religious faith, that Jews are prohibited from resolving their disputes in secular courts, so there is a need for rabbinical judges.
28. I believe as written in Professor Resnicoff's Declaration that Jewish religious sources explain that by serving as a judge and resolving disputes between people according to the true intent of the law, the rabbinical judge is credited with being a partner with G-d.
29. I believe as written in Professor Resnicoff's Declaration that, by settling disputes between people, *dayanim* (religious judges) enable the world to continue to exist, because without courts and due process of law, anarchy would ensue.
30. I believe as written in Professor Resnicoff's Declaration that by sitting in judgment, the rabbinical judge "basks in the presence of G-d" because the Holy One, blessed be He, leaves the highest heavens and causes His Shekhinah [Divine Presence] to rest at the judge's side" thus, serving as a religious judge is a spiritually fulfilling act.
31. I studied in yeshiva in Brooklyn until 2006 and then continued my religious studies of the Talmud at Kollel Belz, beginning in 2006.
32. I study the Talmud full-time at Kollel Belz in Monsey, New York. My wife is employed by Pines Home as a secretary.
33. My religious belief is to become a rabbinical judge.

34. According to my religious beliefs, Jews are not allowed to go to the civil court system, but instead we are required to go to rabbinical courts where rabbinical judges apply Jewish law.
35. I understand and believe that only qualified Jewish religious judges shall hear and decide disputes between and among Jews.
36. Not obeying this religious commandment is very serious because it is believed that by going to the civil courts, the Jew ignores the holy laws and legal system that G-d made just for the Jewish people and instead chose the laws and rules made by man.
37. These religious courts are called *bais din* and the judges who sit on these religious courts are called *dayanim* (rabbinic judges).
38. Orthodox/Hasidic Jews also look for help on a daily basis from the *dayanim* on the many religious issues that come up because our religious laws direct every part of our lives.
39. I know that there is a great shortage of qualified rabbinical judges in my community who can resolve issues according to the true meaning of our religious law.
40. I am known as a “Rabbi” in my community because of my full-time religious study.
41. I cannot practice my religion at Kollel Belz, by doing full-time religious study to become a *dayan*, which I believe I must do, according to my faith.
42. My current study situation at Kollel Belz will not allow me to become a full-time rabbinical judge able to make decisions on the law in The Code of Jewish Law.
43. Kollel Belz is not a special “kollel” that can train me to become a full-time rabbinical judge—it is a general Kollel where students come to study for different reasons.
44. Kollel Belz has no learning program or curriculum for me to learn the entire four categories of Jewish Law so I can be a full-time rabbinical judge.
45. At Kollel Belz, I sit and read without the benefit of having a knowledgeable person answer my questions or instruct me.
46. Kollel Belz has a limited library that does not have all of the religious books needed to become qualified in the entire four categories of Jewish Law so I can become a full-time rabbinical judge.
47. Kollel Belz does not provide on campus housing.

48. I have been approved for admission into the proposed rabbinical school campus planned to be built by Congregation Rabbinical College of Tartikov.
49. I will attend the Rabbinical College of Tartikov upon its opening.
50. I understand from Michael Tauber that this rabbinical school campus is to be built by the Congregation Rabbinical College of Tartikov and it will train rabbis to be fully qualified in the entire four categories of Jewish Law.
51. The Code of Jewish Law that we will study at the Congregation Rabbinical College of Tartikov will include all aspects of Jewish life, personal and business, because we are guided by our religious laws in these ways.
52. The Code of Jewish Law sets out our religious rules of how we are to live our lives and we are to strictly follow these religious laws in our daily lives. I, myself follow these beliefs.
53. Our studies at Rabbinical College of Tartikov will be focused on the *Shulchan Aruch*, which includes four categories of rabbinic law:
 - a) The *Orach Chaim* are the laws about daily life, from arising in the morning to retiring to bed: the order of prayers and blessings; laws regarding meals; laws about worshipping in the synagogue; what to do on the Sabbath and holidays;
 - b) The *Yoreh De'ah* are laws about dietary issues ("Kosher"); laws of mourning, laws of family purity, laws about Israel, laws of religious conversion to Judaism.
 - c) The *Even Ha'ezer* are laws of marriage and divorce.
 - d) The *Chosen Mishpat* are laws of finance, civil wrongs; legal procedure and loans and interest in Judaism.
54. I understand that to master this study, there are thousands of religious commentaries that must be read and understood in order to be fully knowledgeable in the Code of Jewish Law and to become a qualified rabbinical judge.
55. This is a long and difficult process that will require a total commitment from me, for which I am prepared.
56. I understand that this intense learning program could take up to 15 years of dedicated religious study.
57. The daily schedule is proposed to be from approximately 6:00 am to 10:30 pm daily except for the Sabbath, with breaks for meals, prayers and rest.
58. This rabbinical school campus proposed to be built by Congregation Rabbinical College of Tartikov will be what our religious sages have called a "Torah Community" within our religion.

59. This Torah Community is designed to create a living and learning religious campus which includes total dedication to religious obligations of mastering the Code of Jewish Law in order to become a full-time rabbinical judge while at the same time meeting my religious obligations to my family and to worshipping God in the proper way.
60. The Torah Community also involves intensive learning interaction, day and night with my fellow students, teachers and lecturers.
61. Learning in this way as part of the Torah Community will allow me to have the opportunity to gain knowledge from the teachers and students by interacting with my teachers and discussing the issues with my fellow students.
62. Because I will be a part of the Torah Community, I will be able to have access to my teachers and fellow students day and night, in the study halls, courtrooms, *shuls*, or in the living quarters, and this will allow for constant communication and learning opportunities.
63. One part of the Torah Community is the provision of housing (at no charge) by Congregation Rabbinical College of Tartikov.
64. This part of the Torah Community will allow me to meet my religious obligations to my family by living together with them as a family, teaching my children the Torah, while at the same time meeting my religious obligations to learn and worship.
65. The Torah Community also involves students living close to each other, allowing the religious learning process to continue even when we are not studying or eating meals together.
66. The Torah Community's living, learning and worshipping as proposed by the Congregation Rabbinical College of Tartikov is necessary for the exercise of my religious beliefs.
67. I know of no other Torah Community as the one to be built by the Congregation Rabbinical College of Tartikov where I can exercise my religious beliefs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: January 21, 2015
Nanuet, New York



JACOB HERSHKOWITZ